

Debra P. Hackett  
Clerk, U.S. District Court  
15 LEE ST STE 206  
MONTGOMERY AL 36104-4055

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June 25, 2008

**Appeal Number: 08-12601-G**

Case Style: Angela Denise Nails v. Ultimate Business Solutions

District Court Number: 06-00797 CV-T-S ()

TO: Angela Denise Nails

CC: Ultimate Business Solutions

CC: Debra P. Hackett

CC: Administrative File

**United States Court of Appeals**

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

**Thomas K. Kahn**  
Clerk

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June 25, 2008

Angela Denise Nails  
116 EAST ST # 46  
CARROLLTON AL 35447-2016

**Appeal Number: 08-12601-G**

Case Style: Angela Denise Nails v. Ultimate Business Solutions  
District Court Number: 06-00797 CV-T-S ()

The following action has been taken in the referenced case:

The enclosed order has been ENTERED.

Pursuant to Eleventh Circuit Rule 42-1(b) you are hereby notified that upon expiration of fourteen (14) days from this date, this appeal will be dismissed by the clerk without further notice unless you pay to the **DISTRICT COURT** clerk the \$450 docket and \$5 filing fees (total of \$455), with notice to this office.

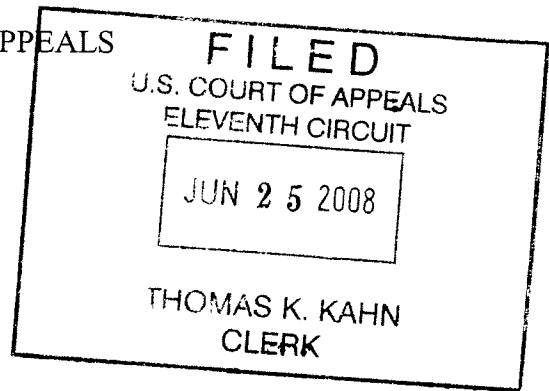
Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Walter Pollard (404) 335-6186

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 08-12601-G  
\_\_\_\_\_



ANGELA DENISE NAILS,

Plaintiff-Appellant,

versus

ULTIMATE BUSINESS SOLUTIONS,

Defendant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court for the  
Middle District of Alabama  
\_\_\_\_\_

ORDER:

Appellant has filed a motion for leave to proceed on appeal in forma pauperis in order to appeal the district court's denial of her motion for return of the district court's filing fee. Appellant asserted that she was entitled to a refund of \$350.00 filing fee because she was not granted a jury trial. Pursuant to 28 U.S.C. § 1914, "[t]he clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350 . . . ." There is no provision giving a plaintiff the right to a refund of the filing fee when she is not granted a jury trial. Accordingly, appellant's motion for leave to proceed on appeal in forma pauperis is DENIED because the appeal is frivolous. See Pace v. Evans, 709 F.2d 1428 (11th Cir. 1983).

\_\_\_\_\_  
*Frank M. Hall*  
UNITED STATES CIRCUIT JUDGE